

REMARKS

Claims 1-49 were pending when the present Office Action was mailed on January 25, 2011. In this response, claims 1, 6-7, 12, 21, 29, 38, and 42 have been amended to clarify certain features of these claims and to expedite prosecution of this application; the foregoing amendments are made without prejudice to pursuing these claims in unamended or other forms in a continuation or other application. No claims have been canceled in this response and no claims have been added in this response. Accordingly, claims 1-49 are currently pending.

In the Office Action dated January 25, 2011, claims 1-49 were rejected. More specifically, the status of the application in light of this Office Action is as follows:

- (A) Claims 1-3, 6-11, 12-14, 17-23, 25-28, 29-31, 34-44 and 46-49 were rejected under 35 U.S.C. 103(a) as being unpatentable over Diekmann et al. (RF-SQUID to DC-SQUID upgrade of 28 channel magnetoencephalography (MEG) system) in view of Weitschies et al. (Magnetic Marker monitoring of disintegrating capsules);
- (B) Claims 4-5, 15-16, 24, 32-33 and 45 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Diekmann et al. in view of Weitschies et al. and further in view of Granata et al. (Integrated LTC-SQUID magnetometers multichannel systems); and
- (C) Claims 6-7 and 38 were objected to because of informalities.

As a preliminary matter, the undersigned representative respectfully requests an Examiner's telephone interview prior to further substantive examination or issuance of a second Office Action in order to further prosecution of the pending application.

A. Response to the Section 103 Rejections of Claims 1-49

Although the applicants' attorney agrees with the Examiner's conclusion that these claims are allowable, the applicants' attorney notes that the claims may be allowable for reasons other than those identified by the Examiner and does not concede that the Examiner's characterizations of the terms of the claims and the prior art are

correct. Furthermore, Applicants respectfully assert that there may also be additional reasons for patentability of the claimed subject matter not explicitly stated in this record and Applicants do not waive its rights to such arguments by not further addressing such reasons herein.

However, in order to facilitate prosecution of these claims, independent claims 1,12, 21, 29, 38, and 42 have been amended to include a positive limitation that the markers be detected by the sensing array and therefore, in accordance with the Examiner's comments in the Office Action (Office Action, Page 6), the application should now be in condition for allowance.

B. Response to Objections of Claims 6-7 and 38

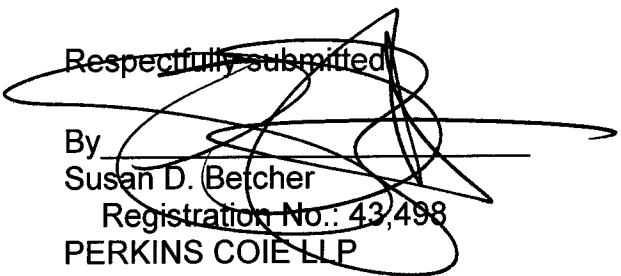
Claims 6-7 and 38 have been amended to correct informalities and not for purposes of overcoming prior art. Applicants respectfully submit that these claims are now in condition for allowance.

C. Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and are patentable over the applied art. The Applicants accordingly request reconsideration of the application and respectfully submit that the application is in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Susan Betcher at (206) 359-8000.

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Respectfully submitted

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